

**From:** Brett and Angela Wharton  
**To:** Microsoft ATR  
**Date:** 1/3/02 1:34pm  
**Subject:** Microsoft Settlement

DOJ representative,

I would like to voice my opinion as an "average consumer" concerning the antitrust stettlement with Microsoft. I work in the computer industry developing new servers and PCs for a major computer manufacturer, and I have been using computers for over 12 years (ever since the days of 9600 baud modems and BBS's). Obviously I have seen a lot of changes over the years in our industry. Having said that I will make my observations concerning Microsoft and the antitrust case.

Microsoft has put out some great software over the years, but it is painfully obvious that their focus has shifted from designing great software for the industry to designing software that garners more money, power, and influence over the industry. I remember the days when the software industry flourished with creativity and unique ideas from many different companies. I was always excited about the newest titles and ideas that were being put forth year to year. Microsoft was at their best in this environment, and it would be unfair to say that they did not contribute to the boom of the PC industry around the world. Unfortunately Microsoft's business practices have also done a severe injustice to both America and the computer industry at large: Their unchecked monopoly power has stifled the creativity and competitive environment that they thrived in. Their continued bundling of Microsoft only software is no longer helpful to the consumer, but in fact it serves to limit choice and crush competition before it even starts. As an example, when CNET recently reviewed browsers on their website ([www.cnet.com](http://www.cnet.com)), they graded Opera, Netscape, and Internet Explorer on several fronts: ease of installation, feature set, usability, etc.. Internet Explorer won the comparision, but what is interesting is that CNET concluded that it was basically a tie except for 2 facets: Internet Explorer comes preloaded on PCs so the installation was therefore easiest and cleanest, and its integration with the OS made it much more stable. I say that is unfair. Microsoft's mantra is that "integration is innovation and is good for the consumer". If that is the case, then why don't they integrate MS Office, since that is the most useful feature set for the user outside of the OS itself? I'll tell you why, because they would loose \$300 per license on the Office Suite. So why is it ok to integrate Internet Explorer, Messenger, Passport, Media Player? Because they have direct competition in these areas (i.e. Netscape, AOL Messenger-ICQ-Yahoo Messenger, and Real Media Player to name the obvious ones). Microsoft must not be allowed to use their OS platform monopoly to undercut their competition like that!

It is my strong opinion that Microsoft neither regrets, nor intends to change, their business tactics or their corporate behavior. It is also my opinion that the proposed settlement plays right into Microsoft's hand - that they will be able to skate around the words and ambiguities in the agreement to maintain their status quo, and therefore their monopoly. I am sad to see that the possibility exists that they will get off "scott free". For what its worth, I think they should be held to the carpet and made to see the error of their practices. I propose Microsoft be required to do the following:

- 1) Offer a stripped down version of Windows at a much cheaper price, and allow OEM computer makers to bundle whatever they want with the OS at the Factory Level.
- 2) Be required to share APIs and protocols that a competitor would need to know in order to develop a stable competitive product. Microsoft should also not be allowed to "tweak" their OS in such a way that it "accidentally" breaks competing software titles.
- 3) They need to be publicly convicted of their behavior! Examples are VERY necessary, and if we don't punish Microsoft's behavior then other industry players will follow their "example" of success. Do we really want that?

In conclusion, I respectfully ask that we please uphold the law and punish them for the violations that they have committed. Only then will creativity flourish again in our industry.

Thank you for your time,

Brett Wharton.